EXPRESS MAIL CERTIFICATE

I hereby certify that, on the date indicated above, this paper or

fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Pat-

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Docket No.: 1225/0C674

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David BERD

Serial No.:

08/203,004

Art Unit:

1642

Confirmation No.:

Filed:

February 28, 1994

Examiner:

Susan UNGAR

For:

COMPOSITION AND METHOD OF USING TUMOR CELLS

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

Hon. Commissioner of Patents and Trademarks Washington, DC 20231

Sir:

Applicant hereby appeals to the Board of Appeals from the decision dated November 29, 2000 of the Primary Examiner finally rejecting claims 43, 44, 47, 49-62, 64-72, and 74-77.

05/31/2001 GTEFFERO 00000128 08203004

01 FC:219

155.00 QP

The item(s) checked below are applicable:

- 1. $[\sqrt{\ }]$ An extension of time to respond to the final rejection is required: a petition and fee of \$445 are enclosed.
- 2. [] A timely response to the final rejection has been filed.
- 3. [] Fee \$.00: [$\sqrt{\ }$] Fee \$155.00 (small entity):
 - [√] Enclosed
 - [] Not required (fee paid in prior appeal)
 - [√] Charge any deficiency to Deposit Account No. 04-0100

Respectfully submitted,

Dated: May 29, 2001

Paul F. Fehlner, Ph.D. Reg. No. 35,135

Attorney for Applicant(s)

DARBY & DARBY P.C. 805 Third Avenue New York, New York 10022 212-527-7700